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REMARKS

Restriction Requirement

The Office Action imposed a restriction requirement for the claims as follows:

Group I (claims 2-32 and 34-35), Group II (claims 2-6 and 9-35), Group III (claims 2-6 and 9-35), Group IV (claims 2-6 and 9-35), Group V (claims 2-6 and 9-35), Group VI (claims 36-37), Group VII (claim 38) and Group VIII (claim 39).

Although Applicants traverse the requirement, a provisional election is made to the claims of Group I.

Election of Species Requirement

The Office Action further imposed a species election requirement. In particular, the Office Action stated the claims encompass several patentably distinct species of cellular tumor antigens. The Office Action requested an election of a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants provisionally elect the species of EGP-1.

Applicants note that there are numerous claims that are generic to the EGP-1 species, including but not limited to claims 1-6 and 9-32.

As noted in the Office Action at pg. 3, claim 1 links inventions I-V. The Office Action further noted that upon allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application.

Traversal of Election Requirement

Applicants respectfully traverse the election requirement. Applicants respectfully submit that the Examiner would not be seriously burdened if an election were not made because all the species disclosed in Group I are classified in the class, 424, subclass, 155.1.

As a general matter, under 37 CFR 1.141, "more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise

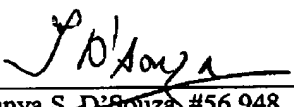
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include all the limitations of the generic claim.” Applicants submit that there are allowable claims, such as claims 1-6 and 9-32 that are generic to all of the claimed species and that all the claims to species in excess of one are written in dependent form and depend from the generic claims. Applicants therefore submit that the claimed subject matter drawn to the non-elected species should not be withdrawn, or in the alternative should be reentered in the case once the generic claims are found to be allowable. [MPEP ¶¶ 809, 809.02, 809.02(a), 809.02(c), 809.03 and 809.04]

The Office Action also noted that inventions I and VI are related as product and process of use. Applicants note that as stated in the Office Action, “Where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP Section 821.04.”

Respectfully Submitted,

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